IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

LA.App..No. 635 of 2007()

LAR.190/2003 of ADDL.SUB COURT,KOTTAYAM
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APPELLANT: RESPONDENT IN THE LAR:

THE STATE OF KERALA.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA.

RESPONDENTS: CLAIMANTS IN THE LAR:
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1. PATHROSE OUSEPH, CHERAVELIL (KUZHIKKATTIL), KANAKKARY (DIED).

2. P.D.MARIAM, AGED 72 YEARS, W/O.PATHROSE OUSEPH, CHERAVELIL (KUZHIKKATTIL), KANAKKARY.

3. ANNAMMA JOSE, AGED 55 YEARS, D/O.PATHROSE OUSEPH, -DO-,-DO-.

4. JOHNS C.O., AGED 49 YEARS, S/O.-DO-,-DO-

5. MARY JOSE, AGED 46 YEARS, S/O.-DO-,-DO-.

6. BABU JOSE, AGED 43 YEARS,S/O.-DO-,-DO-.

7. JAMES JOSEPH, AGED 41 YEARS, S/O.-DO-,-DO-.

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR, JJ.

L.A.A.No.635 of 2007

Dated 4th June, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal against the judgment and decree in L.A.R.No.190/03 on the file of the Additional Sub Court, Kottayam. The acquisition was for the purpose of Ettumanoor Distributory. Section 4(1) notification was issued on 13.3.2002. The extent involved is 8.69 Ares. The Land Acquisition Officer fixed the land value at the rate of Rs.12,054/- per Are. The Reference Court enhanced the land value by Rs.7,232/- per Are. Further, an amount of Rs.10,000/- was awarded towards injurious affection. It is reported that in respect of the acquisitions adjacent to the property involved in this case, this Court has already disposed of several appeals, sustaining the land value enhanced by the Reference Court. Therefore, we do not find it necessary to interfere with the order of the Reference Court on that count. As far as injurious affection is concerned, it is in evidence that the claimants have suffered on account of severance. It has affected even the shape and lie of the land. On the basis of such evidence only the Reference Court made a proper fixation. Therefore, we

do not find any merit in the appeal. It is dismissed.

I.A.No.1767/2007 : Dismissed.

KURIAN JOSEPH, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

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KURIAN JOSEPH &

T.R.RAMACHANDRAN NAIR, JJ

L.A.A. NO. OF 2004

J U D G M E N T

Dated 4th June, 2007.